565
582
[858]

TABLE 7*

Social Rank of Ossete Child of an Interclass Marriage

Mother → / Father · Child ↓	*uzden*	*farsagleg*	*kavdassart*	*gurziag*
uzden	uzden	kavdassart	kavdassart	gurziag
farsag.	farsagleg	farsagleg	farsagleg	gurziag
kavdasj.	kavdassart	kavdassart	kavdassart	gurziag? ** kavdassart?
gurziag	gurziag	gurziag (in Tagaursk child free)	gurziag	gurziag.

* This table is based on data found in Kovalevskij's *Coutume contemp.*, pp. 202 f.

** Is it gurziag or kavdassart? There seems to be a contradiction: on page 202 Kovalevskij maintains: "Ne peut naître d'un père kavdassard qu'un kavdassard, quelle que soit sa mère... Les kavdassards peuvent acheter et posséder les gourziaks qu'ils ont achetés; mais les enfants de ces gourziaks seront kavdassards, et appartiendront au propriétaire du kavdassard, c'est-a-dire, à l'ouzdanelag." On page 203 we find: "Les fils et les fille d'une esclave sont toujours esclaves, et, commes tels, dépourvus de tout droit."

(and here we may also include the majority of the Ossete tribes) and least insistent on marriages exclusively within one's own class. In fact we can almost say that the prohibition is non-existent in Chechnia and in the greater part of Ossetia. The "Lesghian Zone" occupies a middle position between these two extremes.

5. Other Forms of Endogamy and Exogamy

562 We do not maintain to have exhausted the possibilities of endogamy-exogamy regulations. These possibilities, however, have been more or less overlooked by the explorers. We refer, for examples, to the marriage impediments arising from disparity of occupation, disparity of cult, disparity of nationality. We know, for instance, that the Kabardians freely intermarry with the Russians and Karachai,[104] and that they marry any non-Cherkess, especially if the other party is a Mohammedan or is willing to accept the Islamic religion,[105] but is that the situation everywhere in the Caucasus? Till more fieldwork is done, such questions will have to remain unanswered. Midwives are sometimes [859] considered related to the new-born, but we do not know how widespread the custom actually is. In regard to the impediment of disparity of cult we know that the Koran, ii. 20 f admonishes the Muslim: "Marry not a heathen woman before she be converted: a believing slave is much better even if she doth not please thee... The heathen woman will lead thee to hell, but Allah calleth thee to Paradise..." How strictly do the Islamic Caucasians observe this precept? There are doubtless many more lacunae that only the trained and exact fieldworker can fill.

[104] Ladyženskij, FT, p. 191.

[105] Ladyženskij, FT, p. 198.

for some Persian cloth worth Rs. 240. While the deal was still going on, the girl fled and hanged herself.[7]

We have found no purely Lesghian *adats* prohibiting or sanctioning the selling of children into slavery, in spite of the despotic authority of the father.[8] Although we do not know the attitude of customary law in this regard, we do know that the *šarî'a* strictly forbids not only the selling of a fellow-Mohammedan into slavery, but expressly condemns the selling of one's own children.[9]

The SOUTHERN CAUCASIANS. In times of famine the mountain tribes of Georgia used to sell their children; the Svans, for example, "for 700 to 1,200 francs each" (Mourier, *Guide au Caucase*, I, p. 147).

It was this same poverty that led their neighbours, the Tualti (SOUTHERN OSSETES), to kill their girls and sell their boys.[10]

In short, everywhere in the Caucasus the *right* to sell children is not disputed; the practice, however, is *rare*, except in time of absolute necessity or in regard to children who are not considered fully members of the family.

§ 2. JUS VITAE NECISQUE

The NORTHWESTERN CAUCASIANS. The *adats* expressly mention that a father does not have the right over life and death of his children.[11] However, he may condemn a *perverse* member of the family to death: he must, of course, first chastize him, then disinherit him, and finally, if all these means fail and the son remains incorrigeable, the father, acting as supreme judge of the family, may hand him over to a servant to be killed.[12] In spite of these *adats* it seems that formerly the father actually had the right to kill his child at will.[13]

The NORTHEASTERN CAUCASIANS. The Chechen adat collection of 1843 tells us that "there is no customary law defining or limiting the authority of the father over his children."[14] However, in practice, he enjoys this unlimited authority only as long as the children are small. Once his sons have grown up, they may take vengeance on their own father for killing one of their brothers.[15] It is quite possible that at one time the father actually possessed the *jus vitae necisque*, a right that had disappeared long before the *adat* collections of the past century were made. By no means does a husband have a right over the

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[7] *Voyage dans les steps d'Astrakhan et du Caucase*, II, p. 123.

[8] Cf. Omarov, "Kak živut Laki," SSKG, IV (1871), p. 18.

[9] G. Bergsträsser, *Grundzüge des islamischen Rechts*, p. 39.

[10] Kovalevskij, *Costume contemp.*, p. 189.

[11] Leontovič, II, p. 250, § 138.

[12] *Ibid.* See also Leontovič, I, p. 152, § 81.

[13] Dubrovin, *Istorija*, I, i, pp. 168 f; P. I. Kovalevskij, *Kavkaz, Narody Kavkaza*, p. 56.

[14] Leontovič, II, p. 112, § 8.

[15] M. O. Kosven, "Avunkulat," SE, 1948, No. 1, p. 18; Leontovič, II, pp. 112 (§ 8), 251 (§ 143), 258 (§ 206); Berže, *Čečnja i Čečency*, p. 96.